

DATE

Ms. Mendy Escudier, BSN, RN, SANE-A, SANE-P
Sexual Assault Nurse Examiners Program Coordinator
East Baton Rouge Parish Coroner's Office
4030 T.B. Herndon Avenue
Baton Rouge, LA 70807

**Re: Louisiana Board of Ethics Docket No. 2021-830
Advisory Opinion**

Dear Ms. Escudier:

The Louisiana Board of Ethics ("Board"), at its December 3, 2021 meeting, considered your request for an advisory opinion, on behalf of the East Baton Rouge Parish Coroner's Office, as to whether one of the nurses your office employs may obtain an exception from the Louisiana Code of Governmental Ethics that would allow the nurse to resign her full-time position but continue working with your office on a contract basis.

FACTS PROVIDED

The East Baton Rouge Parish Coroner's Office ("EBRPCO") currently employs two full-time Sexual Assault Nurse Examiners and also uses the services of 6 contract nurses on an "as needed" basis. One of your full-time nurses would like to leave her position at EBRPCO to work in a hospital emergency department but continue to provide services to EBRPCO on a contract basis.

LAW

La. R.S. 42:1121B provides no former public employee shall, for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following the termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

ANALYSIS

The Board does not have the authority to grant exceptions to the Code of Governmental Ethics. Any exception to the Code of Governmental Ethics would require the Legislature to amend the statutes.

In accordance with La. R.S. 42:1121B, any nurse who terminates their employment with EBRPCO may not, for a period of two years following the termination of his or her public employment, contract with EBRPCO to render the same services he or she rendered as an employee of EBRPCO.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would prohibit your employee, for a period of two years following the termination of her public employment, from contracting with EBRPCO to render the same services she rendered as an employee of EBRPCO.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Louisiana Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Louisiana Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.